

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H12-0930-24 **Applicant:** Mr S Butler
Proposal: Proposed dwelling and detached garage
Location: Adj. Sunindale Marriots Gate Luton
Terminal Date: 1st January 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
17 Providing a Mix of Housing
28 The Natural Environment
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a two-storey detached dwelling and a detached garage which is proposed to be located towards the rear of the site.

Site Description

The application site comprises land to the south and east of Sunindale, Lutton. The site is located on the southern edge of the village. The front portion of the site is within the settlement boundary; however, the rear portion is outside the settlement boundary. No development is proposed within the rear portion of the site and this land is included to deliver a net gain in biodiversity.

Planning History

No planning applications have previously been submitted within the site.

Consultation Responses

South Holland Internal Drainage Board: The applicant has indicated their intention to dispose of surface water via soakaways (infiltration) but we cannot see that the viability of this proposal has been evidenced. Local soils may be poorly drained with high groundwater at times. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, the Board's prior consent would be required under Byelaw 3. We note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, prior written consent would be required from the Board under Byelaw 3. We are not aware of any riparian owned/maintained watercourses (open or piped) within or adjacent to the site boundary but this should be confirmed by the applicant especially at the proposed access. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 and Byelaw 4. There are no Board maintained watercourses within or adjacent to the site boundary so Byelaw 10 does not apply.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environmental Protection: No comments regarding Land Contamination or Environmental Protection.

Highways and SUDS Support: The proposal is for a dwelling and detached garage. The site is currently garden use. A new access is proposed and will be constructed to Lincolnshire County Council Specification. Parking and turning is acceptable for the size of the dwelling proposed.

Visibility has been demonstrated in accordance with Manual for Streets. The proposed dwelling will not have an adverse impact on the public highway. Condition 13 and informatives 3 and 8 are recommended.

Lutton Parish Council: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the defined settlement of Lutton which is identified as an 'Other Service Centre'. Policy 1 sets out that within Other Service Centres, development will be permitted which supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Committed sites and infill.

As such, the principle of development is acceptable in this case. This is however subject to ensuring that the proposal is acceptable in terms of other material considerations such as the proposed design and amenity impact.

Design and Visual Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

The proposed dwelling would feature a symmetrical front facade with evenly spaced windows and a central front porch. The dwelling is proposed to measure 14m wide and 9m in depth. A flat roofed rear extension is proposed which measures approximately 4.5m by 6m. The extension is proposed to feature a roof lantern.

The dwelling is proposed to feature a jerkinhead roof form, measuring 8m at the tallest point on the roof ridgeline. As the site is located on the southern edge of Lutton, and due to the location of various trees and hedgerows on this part of Marriots gate, the site has a semi-rural character.

The nearest dwellings include Sunindale, to the north of the site, and School House, which is located to the north-east of the site, on the opposite side of Marriots Gate. Sunindale comprises a single storey bungalow with a hipped roof form, and School House comprises a two-storey dwelling with a gable end roof form. Whilst the dwelling would therefore feature a different roof form to the nearest dwellings, there is no strict uniformity within the street scene, and the proposed dwelling is of a suitable scale and siting. For example, the dwelling would be set back from the road frontage at a similar distance as Sunindale to the north. The proposed jerkinhead roof form of the dwelling also helps to reduce the bulk of the dwelling and adds a suitable semi-rural character.

A single storey garage is also proposed towards the rear of the plot, within the north-western corner of the proposed garden space. The proposed garage would feature a gable end roof form. The garage measures approximately 6.3m by 6.3m and 5m up to the roof ridgeline. The scale and siting of the proposed garage building is acceptable.

The proposed materials for the proposed dwelling and the garage include Sandtoft concrete double pan roof tiles in rustic red, Vandersanden Flemish Antique facing bricks with white mortar, and cream uPVC windows. The proposed materials would be similar to materials of nearby dwelling and as such the materials are acceptable.

The visual impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing

development and land uses is a main consideration when making planning decisions.

The nearest dwelling to the site is Sunindale, which is located to the north. Sunindale faces towards the south and as such the dwelling faces onto the site, and the side elevation of the proposed dwelling.

The plans have been amended during the determination of the application in order to move the dwelling further to the south. The driveway is proposed to the north of the dwelling as a result of this change. The dwelling has been moved in order to allow for a more suitable separation distance between the proposed side elevation and the front elevation of Sunindale to the north. The amended position is acceptable. For example, the amended plans now show that there would be a 25 degree angle between the roof of the proposed dwelling and the centre point of the frontage windows on Sunindale. The proposed development would therefore not result in an unacceptable degree of overshadowing of Sunindale due to its scale and positioning.

A window is proposed on the side elevation of the proposed dwelling there would be approximately 9m between the proposed side elevation and the front elevation of Sunindale to the north of the site. There is a 1.8m high timber fence between the properties and as such, this separation distance is acceptable in this case.

The proposed dwelling contains a sufficient amount of internal living space and outdoor amenity space. The proposed development would result in the subdivision of the garden space at Sunindale, however, Sunindale would still have a suitable amount of garden space.

As detailed above, the proposed dwelling would have an acceptable impact on the amenity of neighbouring properties and future occupants. As such, the proposed development accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The dwelling features four bedrooms. There is room for three vehicles to park and turn within the site. Lincolnshire County Council's highways team have not raised any objections to the proposed development. The team have recommended a condition to ensure that visibility splays are provided and retained, and this condition is considered to be suitable.

The proposed development would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017) provides an overview as to how flood risk has been considered in shaping the proposals of the Local Plan, including the

spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan sets out that development in Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), and section 3.3 of the FRA sets out how the applicant considers that the development passes the sequential and exception tests.

Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. A search has been undertaken by the local authority to establish if there are any alternative sites within a lower risk flood area. No other sites were found. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The site is within an area with a hazard rating of 'Danger to MOST', as identified within the SFRA. Within such areas, proposals such as the proposed dwelling can be permitted provided suitable mitigation is proposed. The submitted FRA sets out that the finished floor level of the dwelling should be set at 0.5 above the surrounding existing ground levels, and that 0.3m of flood resilient construction above the finished floor level should be incorporated. The recommended mitigation accords with the guidance set out within Appendix C of the SFRA. The proposed bedrooms are also shown within the first floor of the dwelling, and this would provide a place of refuge if a flood were to occur. It is therefore considered that the exception test is passed. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a preliminary ecological appraisal and this concludes that it is not likely that there are protected species within the site. The application is also accompanied by a Biodiversity Net Gain Report. It is proposed to deliver net gain mostly within an area to the rear of the proposed dwelling and its associated garden within an existing paddock area. The proposed development would result in a net gain of 112.56%. This far exceeds the 10% requirement. It is considered that with appropriate conditions to secure the implementation of the recommended net gain measures, as mandatorily required, the proposed development accords with Policy 28 of the Local Plan and Section 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as

amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based

on the considerations set out in this report.